

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:17-00105-01-CR-DGK
	)	
HUGE ESTRADA CHAVIRA,	)	
	)	
Defendant.	)	

**ORDER AFFIRMING MAGISTRATE’S REPORT AND RECOMMENDATION**

On October 11, 2017, counsel for Defendant filed a motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of the Defendant to stand trial. That motion was granted and, prior to holding a hearing to determine the mental competency of the Defendant, the Court entered its Order pursuant to 18 U.S.C. § 4241(b) directing that a psychological or psychiatric examination of the Defendant be conducted and that a psychological or psychiatric report be filed with the Court pursuant to 18 U.S.C. § 4247(b) and (c).

A competency hearing was held before Magistrate Judge John T. Maughmer on March 6, 2018. At the hearing, the parties stipulated that the Court could consider the forensic psychological report from Dr. Allison Schenk, licensed clinical psychologist, which concluded that Defendant is competent to understand the nature and consequences of the proceedings against him and to assist properly in his defense. On March 6, 2018, Judge Maughmer entered a “Report and Recommendation” that Defendant be declared competent to stand trial. No objection was filed by either party.

After an independent, de novo review of the record and applicable law, the Court

ADOPTS the Report and Recommendation of Judge Maughmer in its entirety, and finds

that Defendant is competent to stand trial. It is further

ORDERED that, pursuant to 18 U.S.C. §§ 3161(h)(1)(A) and (h)(4), the time between March 6, 2018, and the date of this order is excluded in computing the time within which the trial of this criminal action must commence. It is further

ORDERED that this case is placed on the joint criminal jury trial docket commencing on August 20, 2018.

**IT IS SO ORDERED.**

Date: March 26, 2018

/s/ Greg Kays  
GREG KAYS, CHIEF JUDGE  
UNITED STATES DISTRICT COURT